

2008 Legislation

Issue Date: December 26, 2008

New Legislation

This memo provides a summary of 2008 legislation that impacts the Department of Motor Vehicles' (DMV's) operations only. All changes are effective January 1, 2009, unless otherwise noted.

Information

You will be notified of program changes and implementation dates through additional memos. If you are interested in further information regarding these bills, visit the legislative information website at www.leginfo.ca.gov.

Background

The attached legislative summary does not comprise a complete listing of all 2008 legislative bills. It includes only those bills that affect the department's operations.

Vehicle Registration

Air Quality Fee Add: <i>Health and Safety Code</i> Chapter 5.8: §40610 Part 3, Division 26 (AB 2522 Chapter No. 677)	This bill would authorize the San Joaquin Valley Unified Air Pollution Control District to increase the Air Quality fee to \$30 for incentive-based programs to achieve surplus emissions reductions and achieve environmental justice goals.
South Coast Air Quality District Amend: <i>Health and Safety Code</i> §40512 Amend: <i>Vehicle Code</i> §9250.11 (SB 1646 Chapter No. 724)	This bill would extend the authority of the South Coast Air Quality District to impose the fee indefinitely, and would require that no more than 5% of the funds in the account be used for administrative purposes.
Clean Air Sticker Amend: <i>Vehicle Code</i> §5205.5 (AB 1209 Chapter No. 429)	Authorizes the DMV to issue a Clean Air Sticker replacement for vehicles subject to total loss settlements.
Clean Air Sticker Fines Amend: <i>Vehicle Code</i> §4463 (SB 1720 Chapter No. 417)	This bill would create a crime to forge, counterfeit, or with intent to defraud, acquire, possess or sell a "Clean Air Sticker," and the penalties would be fines.
Fee Waiver Firefighting Amend: <i>Vehicle Code</i> §9104.2 (AB 2060 Chapter No. 92)	This bill would provide a fee waiver for Indian Tribes that have entered into mutual aid agreements for their firefighting vehicles. Issuing exempt plates will be a Registration policy decision.
Gold Star License Plates Amend: <i>Vehicle Code</i> §§5156, 5157 (SB 1455 Chapter No. 309)	This bill would authorize the issuance of the Gold Star License Plates by the DMV.
Nonrepairable Certificate Amend: <i>Vehicle Code</i> §11515.2 (AB 2273 Chapter No. 97)	This bill would authorize insurance companies or salvage pools, if they are unable to obtain the properly endorsed certificate of ownership or other evidence of ownership acceptable to the Department within 30 days following oral or written acceptance by the owner of an offer of an amount in settlement of a total loss, to request the department to issue a nonrepairable certificate.
Vehicle Parking Fees Amend: <i>Vehicle Code</i> §§4760, 4770, 40210, 40220, 40222, 40265, 40267, and 40269. (AB 2401 Chapter No. 741)	This bill would prohibit the department or a processing agency from collecting outstanding parking penalties and fees from the registered owner of a vehicle if that owner was not the registered owner, lessee, or person in control of the vehicle when parking citation was issued.

Smog Test Failure Fee Amend: <i>Vehicle Code</i> §4156 Add: <i>Vehicle Code</i> §9257.5	This bill would require that a fee of \$50 be paid for each temporary operating permit issued if a vehicle failed its biennial smog test.
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Driver License

Ignition Interlock Device Amend: <i>Vehicle Code</i> §23575 Add: <i>Vehicle Code</i> §23575.1 (SB 1190 Chapter No. 392)	This bill would lower the percentage from 0.20% to 0.16% or more, by weight, of alcohol in a person's blood at the time of his or her arrest for a court to give consideration to for imposing an ignition interlock device.
Recreational Vehicle Agreements Amend: <i>Vehicle Code</i> §11713.22 Add: <i>Vehicle Code</i> §§331.3 and 11713.23 (AB 2436 Chapter No. 743)	This bill would require <u>signed</u> agreements between Recreational Vehicle dealers and manufacturers.
Motorcycle and HOV Lane Amend: <i>Vehicle Code</i> §§400 and 21714 (AB 2272 Chapter No. 672)	This bill would revise the definition of a motorcycle and delete the prohibition for a driver of a fully enclosed 3-wheeled motor vehicle from operating the vehicle in an HOV lane.
Online Voter Registration Add: <i>Elections Code</i> Chapter 2.5: §2196 Division 2 (SB 381 Chapter No. 613)	This bill would require the Secretary of State to obtain the digitized signatures from the DMV for implementing online voter registration.

Occupational Licensing

Unlicensed Dealer Impound Amend: <i>Vehicle Code</i> §22651 (AB 2042 Chapter No. 736)	This bill would authorize a peace officer to remove and impound a vehicle when a person is cited as an unlicensed dealer.
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Investigations

Inspection of Home Address Amend: <i>Vehicle Code</i> §1808.4 (AB 2039 Chapter No. 91)	This bill would allow inspection of the home address, until any reinstatement to an office or employment, if the termination of office or employment is the result of conviction of a criminal offense or related to the filing of a criminal complaint.
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